

REMARKS

This paper responds to the Office Action dated December 1, 2004. A diligent effort has been made to respond to the objections and rejections set forth in the office action and reconsideration thereof is respectfully requested in view of the above amendments and these remarks.

Claims 1 and 2 have been amended to cure the objections noted in the Office Action. Claims 1-7 remain pending in the application.

Claims 1-7 stand rejected under 35 USC 103(a) as being unpatentable over Ferguson et al. (U.S. Patent 5,504,894). This rejection is traversed.

Claim 1, as amended, specifies that the dynamic assignment of priority to each of the request queues associated with respective request classes is “inversely proportional to” the moving average resource allocation to each of the request classes. This amendment finds support on page 25, lines 19-23 of the specification as originally filed. As a result of this inverse proportional relationship, each increase in average resource allocation u_i , results in a decrease of the assigned priority p_i of the corresponding request class. Thus, upon decreasing sufficiently, another request class will obtain higher priorities so that its resource requests may begin to be satisfied until its priority has decrease to below the priority of yet another request class, etc.

As conceded in the Office Action, Ferguson et al. does not suggest the concept of using moving averages of resource allocation as a factor in calculating priorities. Ferguson is cited for disclosing dynamically adjusting scheduling priorities in accordance with the response time dissatisfaction performance index and determining a highest priority queue transaction using a round-robin scan.

Applicant respectfully submits that Ferguson et al. does not teach or suggest dynamic assignment of priority to each queue associated with a respective class inversely proportional to the moving average resource allocation to the request class, as defined by amended claim 1, and with the advantages set forth above. Therefore, retraction of the rejection of claims 1-7 under 35 USC 103 is respectfully requested.

CONCLUSION

Applicant believes that this application is now in condition for allowance. To the extent any issues remain to be resolved, however, applicants request that the Examiner contact the undersigned representative to resolve these issues.

Respectfully submitted,

A handwritten signature in cursive script, reading "David B. Cochran". The signature is written in black ink and is positioned above a horizontal line.

David B. Cochran, Reg. 39,142

Jones Day

North Point

901 Lakeside Ave.

Cleveland, Ohio 44114

(216) 586-7029

Feb. 24, 2005.